

Questions & Answers

Q1. When is an EQIP contract approved?

A. An EQIP application becomes an approved contract and funds are obligated to the contract when the contract is signed on behalf of CCC.

Q2. What is the status of FY2002 contracts approved by County FSA Committees prior to, on or after May 13?

A. A decision regarding these contracts is pending.

Q3. Do EQIP funds allocated to states prior to May 13 have to be obligated to EQIP contracts in accordance with “old” rules?

A. No. All FY2002 EQIP funds unobligated as of May 13 will be obligated under the “new” provisions.

Q4. What is the status of FY2001 and earlier contracts?

A. FY2001 and earlier contracts are valid and should be carried to term under the rules that were in effect when they were approved by County FSA Committee.

Q5. Should we continue to accept and process applications?

A. Yes. Applications can be accepted, processed, evaluated according to this guidance. However, FY2002 contracts cannot be approved using the additional funds contained in the Farm Bill until the funds are apportioned.

Q6. Some producers may want to start practices before contract approval. Is the waiver policy in EQIP (440-V-CPM, First Edition, Amend. 1; 515.81 L) still valid?

A. Producers who have signed up and want to do the practice may be granted waivers by the State conservationist allowing them to start a practice before contract approval. This waiver, however, is no guarantee that the contract will be approved and that C/S will be available.

Q7. What if the maximum cost-share rate is increased at the state or local level?

A. Any contracts approved up to the date of a policy change are valid under the provisions in place at the time of contract approval.

Q8. Are FY2002 EQIP funds available until expended?

A. No. Unobligated FY2002 EQIP funds are rendered unavailable after COB on September 30, 2002.

Q9. Does the 2002 Farm Bill affect the availability of FY2001 Labor Health and Human Services (LHHS) EQIP funds?

A. No. LHHS funds remain available until expended, and if deobligated may be reobligated to another contract.

Q10. What happens to funds deobligated by termination of contracts?

A. FY1997 – FY2001 funds remain unavailable. Until COB September 30, 2002, FY2002 funds can be reobligated to new FY2002 contracts or used for modifications for Errors/Omissions for FY1997 and FY1998 contracts.

Q11. What can the FY2002 errors, omissions and appeals (EOA) reserve be used for?

A. As with previous reserves, after COB on September 30, 2002, funds in the FY 2002 contract EOA reserve can only be used for errors, omissions, and appeals occurring on contracts approved during FY 2002. The FY 2002 contract EOA reserve cannot be used to fund new contracts or modifications to any contracts other than those approved during FY 2002.

Q12. Can FY 2002 funds unobligated at COB September 30, 2002 be applied to the FY 2002 contract EOA reserve?

A. Yes. Toward the end of FY 2002, State offices will be asked to report the amount of FY 2002 funds designated for the FY 2002 contract EOA reserve. FSA at the National level must then take action to obligate the funds to each State's reserve. Also, any funds not obligated to contracts by COB September 30, 2002, may be included in the reserve, provided the State timely notifies FSA at the National level of the amount. Procedure for managing the FY 2002 contract State EOA reserve will be issued in a future CONOP notice.

Q13. When will the Beginning Farmer and Limited Resource Farmer provisions be available?

A. These provisions will begin with the publication of the new rule.

Q14. Are Indian Tribes considered an entity?

A. Indian Tribes are not considered to be entities. Therefore we can continue to fund tribes in amounts in excess of the payment limitation.

Q15. Will Indian Tribes need to provide any additional information regarding who receives EQIP funds?

A. Yes. The EQIP payment limitation is based on an individual or entity. Therefore, tribes need to provide lists of members who have received payments and the amount each individual has received.

Q16. What is an individual?

A. An individual will be defined when the new rule is published. Until then the person determination provisions contained in FSA Handbook 1PL will continue to be used.

Q17. Do payments for FY2001 and earlier contracts apply to the new payment limitations?

A. No.

Q18. Will CAFO's be eligible to receive funding for waste storage facilities?

A. Yes. Confined Animal Feeding Operations/Confined Livestock Feeding Operations are eligible to receive cost-share payments for waste storage and waste treatment

facilities. However, all contracts that contain a waste storage or waste treatment facility will be required to provide for the development and implementation of a comprehensive nutrient management plan.

Q19. How will funding be allocated in each state?

A. The State conservationist, with advice from the State Technical Committee, will decide how funds are allocated.

Q20. Can states allocate EQIP funds to counties for contracts that optimize environmental benefits?

A. Yes.

Q21. How are applications selected for funding?

A. The State conservationist, with advice from the State Technical Committee, will develop a streamlined evaluation process that optimizes environmental benefits which is based on the identification of priority natural resource concerns that address national conservation priorities. This authority can be delegated to the designated conservationist, with advice from the Local Work Group, when funds are allocated to a county.

Q22. What are the national conservation priorities?

A. These are defined in the purposes for EQIP in the 2002 Farm Bill as:

“to promote agricultural production and environmental quality as compatible goals, and

to optimize environmental benefits by-

(1) assisting producers in complying with local, State, and national regulatory requirements concerning-

(A) soil, water, and air quality;

(B) wildlife habitat; and

(C) surface and ground water conservation;

(2) avoiding, to the maximum extent practicable, the need for resource and regulatory programs by assisting producers in protecting soil, water, air, and related natural resources and meeting environmental quality criteria established by Federal, State, tribal, and local agencies;

(3) providing flexible assistance to producers to install and maintain conservation practices that enhance soil, water, related natural resources (including grazing land and wetland), and wildlife while sustaining production of food and fiber;

(4) assisting producers to make beneficial, cost effective changes to cropping systems, grazing management, nutrient management associated with livestock, pest or irrigation management, or other practices on agricultural land; and

(5) consolidating and streamlining conservation planning and regulatory compliance processes to reduce administrative burdens on producers and the cost of achieving environmental goals.”

Q23. Has the status of the Local Work Group changed?

A. No. FACTA allows NRCS to receive recommendations from Local Work Groups provided the makeup of the work group consists only of federal, state and local governmental representatives. The LWG can make recommendations on items like ranking/evaluation, eligible practices and cost-share rates.

Q24. Does EQIP still offer EA opportunities?

A. Yes but all Education Assistance will come from the Technical Assistance funds rather than Financial Assistance. Do not develop or sign any EA agreements; all unobligated EA as of May 13 will be converted back to financial assistance (FA) funds. EA funding will not be available until the apportionment is received identifying the use of TA for EA.

Q25. Can there be more than one farm number per contract?

A. Not yet. However, we anticipate the software change to allow this to occur to be out before the end of FY2002. All offices will be notified when the revised procedure and software are issued.

Q26. Can there be more than one contract per tract?

A. Only one contract per tract allowed until new rule is published. The new rule will allow more than one contract per tract.

Q27. What is the basic premise of implementing the EQIP program?

States are given maximum flexibility. However, there are two requirements:

- A. Contracts that contain a waste storage or waste treatment facility will provide for the development and implementation of a comprehensive nutrient management plan.
- B. Contracts funded with ground and surface water conservation funds will facilitate a conservation measure that results in a net savings in groundwater or surface water resources in the agricultural operation of the producer